

REMARKS

The Official Action was non-final.

The application has been amended and is believed to be in condition for allowance.

This amendment is believed to be fully responsive and to place the case in condition for allowance. Should there be any remaining matter, it is requested that the undersigned attorney be contacted by telephone in order to resolve such outstanding matter.

Attached is a verified translation of PCT application No. PCT/FR04/001872. The present application is a National Stage of this PCT application.

The specification was objected to for entering new matter in the last amendment.

As noted in the last amendment, the specification amendments were made to bring it into accordance with the PCT specification (filed in French). The attached verified translation demonstrates that this statement is true and that no new matter is entered by way of these specification amendments.

In view of the above, and the present amendments, withdrawal of the specification objections is solicited.

Claims 21-27, 29, and 31-44 were indicated to be directed to allowable subject matter and allowable, apart from formal matters.

Claims 21, 24, and 25 were objected to.

Claim 21 was amended to replace "included" with -- including--. Claim 24 was amended to depend from claim 21.

This corrects the stated bases for claim objection. Withdrawal of the claim objections is therefore solicited.

Claims 28 and 29 were rejected under section 112, first paragraph, as failing to comply with the written description requirement, i.e., as containing subject matter not described in the specification, as originally filed, in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree.

It is noted that claims 23-28 correspond to the original PCT claims 4-9.

Claim 28 recites that "there is a position of the needle, in rotation about axis, so that the vessel can be removed from the apparatus". The Official Action states that there was no written description of providing a needle position in rotation about the axis (X2) so that a vessel can be removed from the apparatus. Reference is made to original PCT claim 9 which recites "... there is a position of the needle, in rotation about axis, so that the vessel can be removed from the apparatus".

Also see published application paragraphs [0012]-[0013]: After removing a sample, the needle is moved to at least one distribution position where the needle points downwards above

a vessel. According to the invention, a sampling device usable in an automatic apparatus, said device including a needle for taking a sample to be analyzed, said sample being removed from a receptacle, is characterized in that the sampling needle can move in rotation about an axis forming an angle, preferably approximately a right angle, with said sampling needle.

From at least these disclosures, it is clear that the written description requirement was satisfied as the claimed subject matter is described in the specification, as originally filed, in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 30 recites means so that the needle can be moved all around the axis. Claim 30 corresponds to PCT claim 11, which recites "means so that the needle can be moved all around the axis".

By showing the above correspondence between the pending claims and the subject matter disclosed and claimed in the original PCT application, it is believed clear that the inventors did have possession of the claimed invention at the time the application was filed. Accordingly, withdrawal of the rejection is solicited.

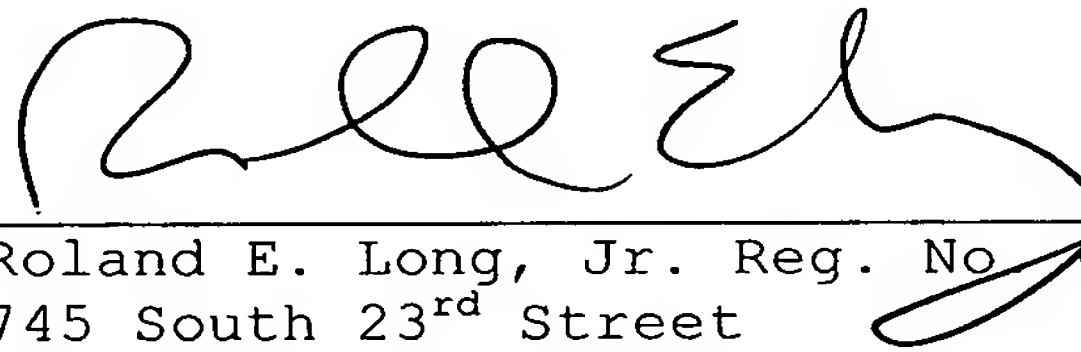
There being no other pending matters, allowance of all the claims is solicited.

The Director is authorized to charge the 37 CFR 1.492(i) processing fee of \$130 under fee code 1618 to counsel's credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr. Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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APPENDIX:

- a verified translation of PCT application No.
PCT/FR04/001872



D E C L A R A T I O N

I, Alain KINGOLO, of PONTET ALLANO & associés s.e.l.a.r.l.,
25 rue Jean Rostand, PARC-CLUB ORSAY-UNIVERSITE, F-91893 ORSAY
CEDEX, France, do solemnly and sincerely declare :

1. that I am well acquainted with both the English and
French languages,
And

2. that the attached document is, to the best of my
knowledge and belief, a true and correct translation of
the international Patent application

No. PCT/FR04/001872
filed on July 16, 2004,

and I make this declaration conscientiously believing the
statement contained herein to be true in every particular.

Dated this November 21, 2007

Alain KINGOLO